

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

RESIDENTIAL CAPITAL, LLC, *et al.*

Debtors.

Case No. 12-12020 (MG)

Jointly Administered

**ORDER DENYING MOTION OF VACATE SN ORDER  
THIS COURT DID NOT ENTER**

This Order disposes of what may be the most bizarre pleading filed in this or any other case that this Court has seen. Sidney and Yvonne Lewis filed a motion styled “*Motion to Vacate Order of Dismissal on February 4, 2000 that Awarded Possession of ‘Navigable Airpace Over Condemnee’s Properties . . . , and Declaration of Taking . . . ,*” ECF Doc. 4667<sup>1</sup>. Not much is clear about the pleading, except that it includes a request for “just compensation for the taking of the private residential subdivision easements in excess of **\$184,000,000.00** as just compensation . . . .” (bold in original.) The pleading bears the captions of fifteen (15) separate cases or proceedings in five (5) different courts and two (2) separate federal agencies.<sup>2</sup> Whether the pleading is filed in all of those places is unknown.

The Lewises are no strangers to this Court. They have filed numerous pleadings in the main ResCap case and in an adversary proceeding Yvonne Lewis filed (Adv. Pro. 12-01731) and which was dismissed and closed in a written opinion and subsequent order. (Adv. Pro. 12-01731, ECF Doc. ## 20, 22.) The written opinion identified the numerous cases in which Sidney

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<sup>1</sup> The full title of the pleading has been shortened.

<sup>2</sup> U.S. District Court for the Southern District of New York, U.S. District Court for the District of Columbia, U.S. Bankruptcy Court for the Southern District of New York, U.S. Bankruptcy Court for the Southern District of Ohio, Franklin County (Ohio) Common Pleas Court Civil Division, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation.

or Yvonne Lewis were determined to have filed frivolous motions or been declared vexatious litigants; the list is copied below.<sup>3</sup>

This latest motion asks the Court to vacate an order apparently entered in some court (but not this one) on February 4, 2000. Since the ResCap bankruptcy cases were not filed until May 14, 2012, the order (if there is one) from which the Lewises seek relief was not filed in this Court in this case.

The current motion is **DENIED**.

Based on the foregoing, the Court hereby determines that Sidney and Yvonne Lewis are vexatious litigators. The Clerk of the Court is directed not to accept any further filings from

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<sup>3</sup> See, e.g., Order, Lewis v. Holbrook , Case No. 08-3357 (6th Cir. Aug. 14, 2008) (“Upon review, the motion is denied because any appeal by the Lewises would be frivolous.”); Order Denying Debtor’s Motion to Show Cause why Lindsey Sessile should not be Held in Contempt and Punished for Criminal Obstruction of Justice, In re Sidney T. Lewis, Case No. 07-57237 (Chapter 7) (Bankr. S.D. Ohio Apr. 27, 2009) (“In addition to being largely incomprehensible, the Motion is frivolous.”); Omnibus Order Striking Notices of Removal and Denying Accompanying Motions to Proceed in Forma Pauperis, In re Sidney T. Lewis, Case No. 07-57237 (Chapter 7) (Bankr. S.D. Ohio Apr. 27, 2009) (characterizing the multiple removal notices filed by the Lewises as “frivolous” and determining that “[t]his Court will entertain no further notices by the Debtor or his spouse to remove actions to this Court”); Order Denying the Lewises’ Motion to Proceed in Forma Pauperis on Appeal, Lewis v. McLatchy, Case No. 2:09-CV-936 (S.D. Ohio Jan. 5, 2010) (“For essentially the same reasons set forth in [previous Court orders] finding Mr. and Mrs. Lewis to be vexatious litigators, the Court cannot certify this appeal. Any argument raised on appeal would appear to be frivolous.”); Order (1) Denying Motions to Proceed in Forma Pauperis; (2) Denying Motion to Reopen Case; and (3) Striking Notices of Removal, In re Sidney T. Lewis, Case No. 07-57237 (Chapter 7) (Bankr. S.D. Ohio Mar. 23, 2012) (finding that “[e]nough is enough” and noting that “[s]ince the filing of this case five years ago, the Court has expended far more of its scarce resources on Lewis’s repetitious and frivolous filings than is justified”); Order Denying Motion to Reopen Closed Bankruptcy Case, In re Yvonne Decarol Lewis, Case No. 05-75111 (Chapter 7) (Bankr. S.D. Ohio Sept. 19, 2006) (“Debtor . . . has been cautioned against filing groundless pleadings in closed cases or adversary proceedings . . . . Further filings of baseless pleadings will result in the Court conducting a hearing to show cause why monetary sanctions should not be imposed.”); Order Declaring Sidney T. Lewis and Yvonne D. Lewis to be Vexatious Litigators, Lewis v. North Am. Specialty Ins. Co., Case No. 2:09-cv-179 (S.D. Ohio June 5, 2009) (“Plaintiffs are hereby warned that Rule 11 sanctions will be imposed if they continue to file frivolous lawsuits . . . . Furthermore, it is ORDERED that plaintiffs are barred from filing any action in this Court without submitting a certification from an attorney that their claims are warranted.”); Order Denying the Lewises’ Motion to Vacate and for Supplemental Leave to File, Lewis v. North Am. Specialty Ins. Co., Case No. 2:09-cv-179 (S.D. Ohio Dec. 16, 2009) (denying the Lewises’ motion to vacate after they filed the motion in violation of the anti-filing bar in place against them); Order Denying the Lewises’ Motion to Proceed on Appeal in Forma Pauperis, Lewis v. North Am. Specialty Ins. Co., Case No. 2:09-cv-179 (S.D. Ohio October 4, 2012) (“On June 5, 2009, before entering judgment, the Court declared Sidney T. Lewis and Yvonne D. Lewis to be vexatious litigators and ordered that they would not be permitted to proceed in forma pauperis in the future without first submitting a certificate from an attorney certifying that their claims were warranted.”).

Sidney or Yvonne Lewis in the ResCap case (Case No. 12-12020), or in any adversary proceeding filed in this Court relating to the ResCap case.

**IT IS SO ORDERED.**

Dated: September 26, 2013  
New York, New York

*Martin Glenn*  
MARTIN GLENN  
United States Bankruptcy Judge